

United States District Court
Southern District of New York

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Alpha Capital Anstalt,

Plaintiff,

11 Civ. 6458 (PAC)

v.

Plaintiff's Initial Disclosures

Advanced Cell Technology, Inc.,

Defendant.
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Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Alpha Capital Anstalt ("Alpha Capital") hereby provides its initial disclosures. Alpha Capital reserves the right to amend or supplement these initial disclosures.

(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

The following individuals may have discoverable information:

Ari Rabinowitz - 150 Central Park South
212-586-8224

Gary Rabin - Advanced Cell Technology, Inc. ("ACTI")

(ii) a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or

control and may use to support its claims or defenses, unless the use would be solely for impeachment.

The documents which Alpha Capital has in its possession, custody or control and may use to support its claims include the underlying deal documentation with Defendant ACTI, e-mails and other communications with ACTI and trading records relating to sales by Alpha Capital of the stock of ACTI.

(iii) a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

Alpha Capital's damages are computed by determining the value of the shares of ACTI which Alpha Capital would have received had ACTI complied with its contractual obligations, including its obligation to notify Alpha Capital of decreases in the exercise price of its warrants, less the amount received by Alpha Capital upon sale of the shares of ACTI which Alpha Capital received pursuant to the preliminary injunction.

(iv) any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable.

Dated: New York, New York
December 22, 2011

Law Offices of Kenneth A. Zitter

By 

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